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August 25, 2006

VIA ELECTRONIC AND FIRST CLASS MAIL

Karen Niiya
Division of Water Rights, State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
KYNiiya@waterboards.ca.gov

Re: Notice of Preparation of Substitute Environmental Document for North
Coast Instream Flow Policy

Dear Ms. Niiya:

Thank you for the opportunity to comment on the State Water Board's NOP for the
North Coast Instream Flow Policy SED.

As described at the State Board's July 19 Meeting, a diverse group of stakeholders has
been meeting for almost a year to develop recommendations for improving the water
rights permitting process so that it better benefits both fishery habitat and landowner
interests. The stakeholder group includes representatives of agricultural and urban
water users (including trade associations, engineers, and attorneys); conservation
organizations; state and federal agencies and counties (see list below). A substantial
majority of participants in this stakeholder group has approved submittal of this letter.
The group has benefited greatly from the contributions made by Vicky Whitney, State
Board Division Chief, Division of Water Rights.

This fall, we expect to provide recommendations for consideration as part of the
Board's proposed North Coast Instream Flow Policy. First, we are preparing a package
of recommended improvements to the existing water rights system. The
recommendations we are considering include suggestions for improving the water rights
noticing process, with a goal of involving all interested parties at an earlier date; early
coordination of permit proceedings involving the State Board and other interested
permitting and trustee agencies; and improvements to the environmental review and
protest resolution process. We are also discussing new approaches to substantive
water rights standards, and compliance and enforcement. For example, we are
reviewing mechanisms for encouraging development of offstream storage projects to
replace existing onstream projects; the fishery benefits of such a program could be
significant.

We have also been discussing and developing proposals for approaches/alternatives
based on a collaborative effort that could meet water users' needs, conserve fish and

wildlife habitat, and provide key data necessary for managing resources. The goal of this collaborative effort would be to take advantages of opportunities within a watershed, such as cost sharing, that may not be available in the traditional arena. Under this “watershed approach”, diverters could join together to develop local physical solutions to their watershed specific problems. For example, they could share costs associated with developing data and monitoring conditions and could work together on projects that improved habitat at the most significant locations in the watershed, rather than only on their individual properties. Although this idea is still in its formative stages, it would require instream flow protection provisions for the watershed and a “critical mass” of landowners to be implemented,

We appreciate the willingness expressed by the Board at its July 19 meeting to consider our suggestions. Many of the issues we have been discussing could be part of a State Board North Coast Instream Flow Policy. We look forward to providing you with specific recommendations by the end of September.

Sincerely,

Andrew Black
Consultant and Facilitator
No.Coast Water Rights Working Group

Stakeholder List

National Marine Fisheries Service
California Department of Fish and Game
North Coast Regional Water Quality Control Board
Mendocino County
Sonoma County
Sonoma County Water Agency
Mendocino County Water Agency
Agricultural Water User Representatives
California Farm Bureau Federation
National Heritage Institute
Trout Unlimited
Peregrine Audobon Society
Redwood Chapter Sierra Club

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